

REMARKS

Claims 1-16, 18-24, 26-48, 50-56, and 58-69 are pending in the application. Claims 9, 12, 15, 29-31, 36-37, 41, 43-44, 47, 61-66 and 69 stand objected to. Claims 1-16, 18-24, 26-48, 50-56 and 58-69 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,457,747 to Drexler et al. in view of U.S. Patent No. 5,280,527 to Gullman et al. and U.S. Patent No. 5,179,950 to Osten et al.

Reconsideration is requested. The rejections are traversed. No new matter is added. Claims 1, 32, 53, and 68 are amended. Claims 1-16, 18-24, 26-48, 50-56, and 58-69 remain in the case for consideration.

As per the Examiner's communication dated March 4, 2009, the Office Action dated November 21, 2008 is not to be considered a final Office Action, and the double-patenting rejection in the Office Action dated November 21, 2008 is withdrawn by the Examiner.

CLAIM OBJECTIONS

The Examiner objects to claims 9, 12, 15, 29-31, 36-37, 41, 43-44, 47, 61-66 and 69 as being separated from the claims from which they depend. The Applicant acknowledges that the claims in this application, when filed, were not ideally organized. But the Applicant respectfully points out that claims can be (and, in this application, have been) canceled and added during examination. Because new claims must be given the next available claim number that is not currently in use and has not been used before, it is impossible for an Applicant to keep the claims organized ideally, unless each amendment that adds new claims includes the cancellation and re-introduction of essentially every remaining claim. This creates additional complications, in that it becomes difficult for the Applicant and Examiner to track the history of the claims—what rejections were made to the various claims, how the claims were amended, and what features distinguish the claims over the various prior art references. The Applicant respectfully requests the Examiner to withdraw the claim objections.

The Applicant is willing to present the claims to the Examiner, in a supplemental document, using their existing numbering, a regrouping of the claims so that the Examiner can see the claims organized in a more idealized manner. If the Examiner would like to see such a document, the Applicant requests the Examiner to ask for it.

REJECTIONS UNDER 35 U.S.C. § 103(a)

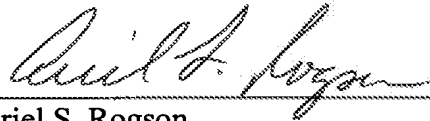
The Applicant believes that the claims recite features, such as the rule-modules, that are not taught or suggested by the prior art of record. Nevertheless, the Applicant has amended the claims to clarify the claimed invention. The Applicant has amended claim 1 to recite that the rule-module formation occurs during a registration step. Support for such amendment can be found in the specification at, for example, page 58, lines 25-27. The Applicant has also amended claim 1 to recite that a user-customized execution command is configured per a preference designated by the user during the registration period. Support for such amendment can be found in the specification at, for example, page 38, lines 19-23, page 50, lines 4-22, page 51, lines 4-16, page 53, line 29 through page 54, line 11, page 54, line 25 through page 55, line 6, page 63, lines 12-20, page 64, lines 6-12, and page 68, line 27 through page 69, line 2. The Applicant does not believe the prior art of record teaches this feature. Accordingly, claims 1-16, 18-24, 26-31, 64, 66, and 69 should be patentable under 35 U.S.C. § 103(a) over Drexler in view of Gullman and Osten, and should therefore be allowable.

The Applicant has amended claims 32 and 68 to recite that the execution command comprises “instructions for executing the processing of an electronic consumer loyalty or consumer rewards incentive”. Support for this amendment can be found in the specification at, for example, page 55, lines 7-17, and in original claims 23 and 53. The Applicant does not believe the prior art of record teaches this feature. Accordingly, claims 32-48, 50-56, 58-63, 65, and 67-68 should be patentable under 35 U.S.C. § 103(a) over Drexler in view of Gullman and Osten, and should therefore be allowable.

For the foregoing reasons, reconsideration and allowance of claims 1-16, 18-24, 26-48, 50-56, and 58-69 of the application as amended is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "Ariel S. Rogson", written over a horizontal line.

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